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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,595	01/08/2002	Robert W. Tritchler	GRC 19.329 (100671-00050)	6456
26304	7590	10/11/2006	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			DUNWOODY, AARON M	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,595

Applicant(s)

TRITCHLER ET AL.

Examiner

Aaron M. Dunwoody

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-53 is/are pending in the application.
- 4a) Of the above claim(s) 34-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/27/2006 has been entered.

Election/Restrictions

Newly amended claims 34-53 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The original invention was drawn to a swivel joint for connection to an attachment and the group consisting of shower heads, laundry faucet arms and kitchen faucet arms.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 34-53 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 26-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 26 recites:

a collar that is rotatably engaged with the first member and receives the milled barrel of the second member within said collar and is adjustably engaged with a screw thread disposed externally on the second member whereby unaided manual adjustment of the collar enables the tightening of the swivel joint to an operative condition and wherein the first member and the collar are rotatably engaged with a friction surface therebetween; wherein said second member accommodates said first member in a relatively rotatable and leak-proof relationship in said operative condition whereby the attachment can be manually swiveled with respect to the water line and retain a position to which it is swiveled without the need for further adjustment of the collar.

However, the original disclosure recites:

The collar is suitably a cylindrically shaped housing which holds the first and second members together. Preferably it is a thumb-screw housing enabling the two members to be tightened together to the required relative configuration by an almost effortless finger action. However, it can be fitted in the factory

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in such a manner that finger tightening is not necessary.

The former arrangement is preferred as it enables disassembly of the joint and also enables service of the joint if this should ever be necessary during the life of the product.

The collar 12 comprises a cylindrical walled housing 20 with an internal transverse wall 21 towards one end thereof. The internal transverse wall 12 includes an opening 22 and there is an internal screw thread 23 on the casting which matches the external screw thread 18 on the second member. The outer surface of the collar 12 is grooved 29 (see Figure 3) to facilitate rotation by hand.

Clearly the claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention, and constitutes new matter.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 26-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 26 recites:

...wherein said second member accommodates said first member in a relatively rotatable and leak-proof relationship in said operative condition whereby the attachment can be manually swiveled with respect to the water line...

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However, Applicant is attempting to define the claimed invention in terms of a non-claimed invention, such as the water line.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 26-33 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 570890, Baird.

In regards to claim 26, in Figure 4, Baird discloses a swivel joint comprising:

a first member (C) having an externally milled tapered barrel;

a second member (F) having an internally milled and complementarily tapered barrel wherein the second member is adapted for attachment to the end of the fixed domestic water line; and

a collar (H) that is rotatably engaged with the first member and receives the milled barrel of the second member within said collar and is adjustably engaged with a screw thread disposed externally on the second member whereby unaided manual adjustment of the collar enables the tightening of the swivel joint to an operative condition and wherein the first member and the collar are rotatably engaged with a friction surface therebetween;

wherein said second member accommodates said first member in a relatively rotatable and leak-proof relationship in said operative condition whereby the attachment

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can be manually swiveled with respect to the water line and retain a position to which it is swiveled without the need for further adjustment of the collar.

In regards to claim 27, Baird discloses the tapered barrel has a taper of about 7°.

In regards to claim 28, Baird discloses the externally milled barrel of the first member comprises a recess which accommodates an o-ring.

In regards to claim 29, Baird discloses the friction surface is provided by a washer.

In regards to claim 30, Baird discloses the washer is formed from a low friction material dissimilar to the material of construction of the first member.

In regards to claim 31, Baird discloses the collar and the second member are adjustably engaged with a fine series screw thread.

In regards to claim 32, Baird discloses the second member is adapted for connecting to a water line by a screw thread.

In regards to claim 33, Baird discloses the first member has a screw thread on one end which mates with an internal screw thread formed in the attachment.

Note, the attachment is not part of the claimed invention.

Claims 26-33 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 6102449, Welsh.

In regards to claim 26, Welsh discloses a swivel joint comprising:

a first member (122) having an externally milled tapered barrel;

a second member (132) having an internally milled and complementarily tapered barrel wherein the second member is adapted for attachment to the end of the fixed domestic water line; and

a collar (160) that is rotatably engaged with the first member and receives the milled barrel of the second member within said collar and is adjustably engaged with a screw thread disposed externally on the second member whereby unaided manual adjustment of the collar enables the tightening of the swivel joint to an operative condition and wherein the first member and the collar are rotatably engaged with a friction surface therebetween;

wherein said second member accommodates said first member in a relatively rotatable and leak-proof relationship in said operative condition whereby the attachment can be manually swiveled with respect to the water line and retain a position to which it is swiveled without the need for further adjustment of the collar.

In regards to claim 27, Welsh discloses the tapered barrel has a taper of about 7°.

In regards to claim 28, Welsh discloses the externally milled barrel of the first member comprises a recess which accommodates an o-ring.

In regards to claim 29, Welsh discloses the friction surface is provided by a washer.

In regards to claim 30, Welsh discloses the washer is formed from a low friction material dissimilar to the material of construction of the first member.

In regards to claim 31, Welsh discloses the collar and the second member are adjustably engaged with a fine series screw thread.

In regards to claim 32, Welsh discloses the second member is adapted for connecting to a water line by a screw thread.

In regards to claim 33, Welsh discloses the first member has a screw thread on one end which mates with an internal screw thread formed in the attachment.

Note, the attachment is not part of the claimed invention.

Claims 26-33 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 5058935, Eidsmore.

In regards to claim 26, Eidsmore discloses a swivel joint comprising:

a first member (76) having an externally milled tapered barrel;

a second member (18) having an internally milled and complementarily tapered barrel wherein the second member is adapted for attachment to the end of the fixed domestic water line; and

a collar (16) that is rotatably engaged with the first member and receives the milled barrel of the second member within said collar and is adjustably engaged with a screw thread disposed externally on the second member whereby unaided manual adjustment of the collar enables the tightening of the swivel joint to an operative condition and wherein the first member and the collar are rotatably engaged with a friction surface therebetween;

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wherein said second member accommodates said first member in a relatively rotatable and leak-proof relationship in said operative condition whereby the attachment can be manually swiveled with respect to the water line and retain a position to which it is swiveled without the need for further adjustment of the collar.

In regards to claim 27, Eidsmore discloses the tapered barrel has a taper of about 7°.

In regards to claim 28, Eidsmore discloses the externally milled barrel of the first member comprises a recess which accommodates an o-ring.

In regards to claim 29, Eidsmore discloses the friction surface is provided by a washer.

In regards to claim 30, Eidsmore discloses the washer is formed from a low friction material dissimilar to the material of construction of the first member.

In regards to claim 31, Eidsmore discloses the collar and the second member are adjustably engaged with a fine series screw thread.

In regards to claim 32, Eidsmore discloses the second member is adapted for connecting to a water line by a screw thread.

In regards to claim 33, Eidsmore discloses the first member has a screw thread on one end which mates with an internal screw thread formed in the attachment.

Note, the attachment is not part of the claimed invention.

Response to Arguments

Applicant's arguments filed 7/27/2006 have been fully considered but they are not persuasive.

Applicant argues that Baird fails to disclose various features. The Examiner disagrees, because Figure 4 of Baird discloses all claimed features.

Applicant argues that Welsh fails to disclose various features. The Examiner disagrees, because Figure 1 of Welsh discloses all claimed features.

Applicant argues that Eidmore fails to disclose various features. The Examiner disagrees, because Figures 4 and 5 of Eidmore disclose all claimed features.

Conclusion

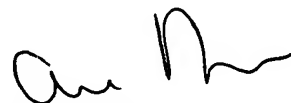
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M. Dunwoody whose telephone number is 571-272-7080. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'A. Dunwoody', with a stylized flourish at the end.

Aaron M Dunwoody
Primary Examiner
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